



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

**MINUTES**  
**JULY 20, 2011**

~~~~~

The regular meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30PM.

Present were Arnold Finaldi Jr., Kenneth Keller, Joel Urice and Alternates Helen Hoffstaetter and Fil Cerminara. Also present was Associate Planner Jennifer Emminger.

Absent were John Deeb and Edward Manuel. Chairman Finaldi noted that there is a vacant alternate position since Mr. Blaszkowski resigned.

Chairman Finaldi asked Mr. Cerminara to take Mr. Manuel's place and Ms. Hoffstaetter to take Mr. Deeb's place for the items on tonight's agenda.

Chairman Finaldi said there is a minor change to tonight's agenda and that is to move item #3 under Other Matters to item #3 under Old Business. This error was not caught until after the agenda had been sent out.

~~~~~

Chairman Finaldi said there were no new public hearings on the agenda so they would go right to the continuations of public hearings. He also mentioned that the microphones still are not working so he asked that everyone speak up loudly and clearly.

**CONTINUATION OF PUBLIC HEARINGS:**

**C & W Development LLC – Application for Special Exception for Sewage Treatment Facility (“Coffey Environmental Solutions”) in the IG-80 Zone – 46 Beaver Brook Rd. (#K12176) – SE #710.**

Attorney Paul Jaber pointed out that Mr. Federico's report was designated **Exhibit V**. He added that Mr. Federico was not at the first public hearing so his mention of the first hearing really refers to the second public hearing. He also said he that the man who spoke at the previous meeting identified himself as an engineer but did not say who he was representing.

Chairman Finaldi asked that if that gentleman is present this evening, he provide this information to the Commission and to Attorney Jaber. Chairman Finaldi also said with regard to the time frames for this public hearing; we had received a 35 day extension last month which brought us to July 25, 2011 and a second extension which brings us to August 25, 2011. The second meeting in August is scheduled for August 17, 2011 so they

should close the hearing at that meeting, otherwise they will have to hold a special meeting.

Benjamin Doto PE, then submitted a revision to the schematic he had presented at the previous meeting (**Exhibit W**) and some photos of City trucks (**Exhibit X**). He said a second fan has been added to create great air flow through the system and it will be activated by the opening of the garage doors. Ms. Hoffstaetter asked about the covers on the dewatering box since all of the others will be sealed. Attorney Jaber referred her to the Crystal Environmental handout. Mr. Doto then said actually they have found another vendor who has a decanter with a bowed top to facilitate the cover being put tightly on it. He said it uses a cam-lock connector which offers a multitude of connections. He said it is more adaptable and showed them how it works using a sample. He gave them some documentation on this dewatering system (**Exhibit Y**). This was followed by a discussion and speculation about how the City system works. Mr. Federico then said the differences are clear between the applicant's proposed system and the City's system. The City is truly treating the sewage whereas the applicant is simply separating it. The City system is outdoors with no secondary containment system. Mr. Doto then said that in response to the neighbor's concerns, the applicant is willing to add a generator to his system in case of power failure.

At this point, Chairman Finaldi asked what the difference between sewage and septage is. Attorney Jaber said sewage flows through the mains and septage flows out of septic tanks.

Mr. Urice asked some questions about the containment rooms. Mr. Doto said they will have typical doors with rubber sealed gaskets, the garage doors would be the standard type electric with a seal at the bottom. Ms. Hoffstaetter said the operation and maintenance plan they provided is not as detailed as she expected it to be. She also asked if they had to pump water out of the facility, would it be manned. She said the report is not definite on this and it should be corrected. She also said this is not a maintenance plan. Mr. Doto said he would that for the Commission. Mr. Urice asked if there was somewhere he could go to see the dewatering tanks aside from West Virginia. Bill Coffey Jr. said there are none in Connecticut. Mrs. Emminger said they had submitted a turning plan which was rather confusing. Mr. Doto said he would amend it to reflect the changes they have made since the original request. Mrs. Emminger said she is specifically interested in the queuing on the site. There were no other questions at this time.

Attorney Jaber said they will still need to continue because they don't have the Engineering report. He said there is no change proposed to the exterior of the building. It will be a typical industrial building similar to the one on the lot next door. The front yard will be all landscaped; trucks will pull into the rear of the building and off-load from there. There will be nothing visible from the street. There is adequate space in the rear of the building for a second and even, third truck to wait. They expect 12-15 trucks per day which should at the most, generate 30-36 trips. That number includes employee trips, deliveries and removal of containers. This is not a high traffic volume business.

He then said he wanted to make five points in summary of what has been presented so far. **First**, no one will be able to tell from the front of the building what is going on inside of it. There will be no storage of pumper trucks on the property overnight. Haulers need to make an appointment in advance to schedule when they can discharge. This use will generate less trips than the previous approval would have generated. The previous site plan was approved by the City Traffic Engineer. There is a lot of truck traffic on this road

already, although most of it is thru traffic. They feel this use is compatible with the neighborhood. The second point is that there is some perception that what they are presenting is a new technology. There is no new magic technology. No one they know of has designed a facility of this nature. When it is compared to the City of Danbury facility, the most obvious difference is that this applicant has designed his facility with everything inside the structure. Everything is sealed and vented through filtration systems. This will result in no odor being discharged from the facility. The third point is that they have provided a, remediation and enforcement plan. This will include odor testing, reporting of all tests and all complaints against the facility. They feel they have provided a mechanism to address the issues if odors occur. The fourth point is that this is an industrial zone. It is nearly 560 ft to the closest residential zone. It is unfortunate that so many residences on this street are located in an industrial zone. The fifth and last point, this applicant has set the standard for any facility that may deliver odor pollution into the air. When first person in opposition spoke about the smell, they knew they had to find the best systems to use in this facility.

Mr. Urice asked Attorney Jaber to change his statement that no odor will be emitted. Attorney Jaber said he would qualify it by adding "beyond the property line". Mr. Urice said he had asked the question at one of first meetings regarding health impacts from exposure to sewage. He reiterated it: what steps are being taken that these types of contaminants will not be released into the environment. Attorney Jaber said they would respond to that at the next meeting and also try to address what other facilities do to control this. He added that he is sure that whatever the applicant does will set the standard for this. Mr. Cerminara asked what the closest residential land is to the City sewer plan. Attorney Jaber said Eden Dr. Mrs. Emminger asked that they recap the different traffic movements for the Commission. Attorney Jaber said they would do it after they get all of the maps back out.

Chairman Finaldi asked if there was anyone to speak in opposition to this application. Before calling on the first person, he asked the following of all speakers: (1) Please try to confine the comments to the application as submitted. (2) Please do not repeat things you have already said, all of the meetings have been tape recorded, and your comments are included in the minutes of those meetings. And if necessary, we can listen to the tapes at any time to hear these comments again.

Patricia Taylor, 53 Beaver Brook Rd., said both Mr. Doto and Attorney Jaber compared the City's open facility to this proposed closed facility. She asked what the difference is if the stuff from the applicant's facility will be pushed to the open City facility anyway. It will only add to the existing smell. She asked if the three fans that will be operating while the off-loading is done will be noisy. Mr. Doto said at least 50,000 gallons per day would be treated at this site anyway. Since they would be separating it, some of the odor would be eliminated. The fans and odor control system would be inside the building; the only thing outside would be an exhaust and the air conditioning unit. He said the inside fans help the odor system by using suction to draw out any leaks before the air is exhausted to the outside.

Jim Kelly, 38 Beaver Brook Rd., said in order to judge the proposed exhaust system with the charcoal system, he would like to see the fan curves. He said these fan curves show what the blower is capable of carrying. This is important because we need to see if they are capable of pulling the negative pressure.

Robert Taylor, 53 Beaver Brook Rd., asked if it is really appropriate to make the comparison to the City plant which was probably built long before all of those homes were there.

Nunzio Sasso, 44 Beaver Brook Rd., said he spoke to an engineer friend who is working at the Greenwich sewage treatment plant trying to convert their system to run on methane gas. He questioned how much capacity the vents have to absorb all of the gases because he cannot see that all the odor is just going to disappear. He pointed out that the containers with the solids in them, even after removing the water, will still be wet. And the containers with the wet sewage will be really heavy, so heavy that they will need to be taken out of there by a tractor trailer. He then submitted some photos of tractor trailers traveling on this road and going in and out of the applicant's existing property. He said even though the road cannot handle this, it happens every day. The photos were labeled **(Exhibit Z)**.

Dave Bonan, 18 James St., said the applicant has done a great job responding to the public concerns. He then pointed out that many trucks leak and could that leakage could get into the Still River. He said this is a legitimate environmental concern that he would like to see addressed by the applicant.

Phil Chiarella, Old Mill Plain Rd, again mentioned that they should have a wash down emergency station at this facility. He said with regard to Mr. Sasso's comments about picking up the grit container, they sometimes use huge cranes to vacuum them out. They speak about hooking the exhaust pump up to the tail pipe, it is not that simple. He then said "if the pto takeoff unit is running, it creates a vacuum and the necessary pressure for activities to occur. This means the truck has to be running, so there would be diesel fumes inside the building and cam-locks do leak when the rubber gasket is not in place. If discharging truck under a vacuum pump, it creates more wear and tear and more risk of connection being broken or the cam-lock opening". He continued saying that they showed photos of the City facility with the cover on that were taken on a nice humid sunny day, which is when the black flies have a feast. He expressed concern about the amount of training the employees of this facility will have. Although it is moderated by DEP, that does not mean every employee will get that training. He also pointed out that when you exit the site heading north, there is a tunnel with a height restriction that could limit the route some trucks have to take to and from the site. He asked what kinds of trucks will be coming to this facility. Attorney Jaber said initially they only expect 10-15 trucks, then the business will either grow or it will fail. Mr. Chiarella said when someone dumps at the City plant they have to provide a lot of information that is available to the public but that will not be the case at this site. He said there have been many changes and questions regarding this application but the neighbors have remained steadfast in their opposition. And right now the applicant and his representatives are here answering the questions, but who is going to be accountable when all of their promises are not fulfilled.

Vinnie Torcasio, 2 Old Newtown Rd., said most of the homeowners in this neighborhood are blue collar workers, who had to work long and hard to get their houses. Mr. Coffey has other options, he could put this on some other land because these houses were here first.

Mr. Keller read a letter from Thomas Saadi, who was unable to be here this evening but wanted to have his say on the record.

Attorney Jaber said they will wait until the next meeting to address the opposition's comments.

Mr. Urice made a motion to continue this matter until the next meeting. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Plumtrees Plaza LLC – Application for Special Exception for use (Grocery Store) which (combined with other uses on the site) will generate over 500 vehicle trips per day – 59 & 63 Newtown Rd. (#L12018, #L12021 & portion of #L12014) – SE #714.

Chairman Finaldi said they had received a draft resolution from Mrs. Emminger dated July 19, 2011. Mr. Urice said he had thought they had discussed putting in asphalt sidewalks within a specific time frame since we don't know when the State is going to do their work. Mrs. Emminger said it was confusing but in the end, the applicant had agreed to bituminous sidewalks. And the State had control over the their right-of-way. She explained that the City usually required concrete, and the State can also require it, but if it is going to be torn up, it is cheaper to use the bituminous. She said this was tough because we are not sure what the State is going to do or when they are going to do it. Chairman Finaldi said it is unfair to put a time frame on the applicants. Mr. Urice said he had understood it differently. He thought we would require concrete sidewalks regardless of what the State's requirement is. He added that since there are no sidewalks now, they should not bother to put anything there until the State decides what they want. He continued saying that they need to set a drop dead date because the State may never do anything. He said this date could be adjusted at a later time. Mrs. Emminger said the Planning Dept. position (in their capacity of representing the Engineering Dept.) is that once the Aldi's store opens there will be pedestrians and it is not a good situation to wait to install sidewalks. She added that the Union Savings on North St. (by Exit 6) has asphalt sidewalks because they do not know when the State is going to do the work on I-84. The State will be responsible for replacing the sidewalks once they rip them up. Mr. Keller said he would rather see sidewalks now since once the grocery store opens he does not want to see people walking in the road. Ms. Hoffstaetter asked if there is any possibility that the State will not put the sidewalks back in. She said they could approve it with a time date subject to staff discretion to extend the date if necessary. Chairman Finaldi said he thinks they should wait and not require sidewalks since they never has been any there. Mrs. Emminger said there was no means or reason to require them before this revision to the shopping center. Mr. Cerminara pointed out that the language in the resolution requires bituminous sidewalks be installed before the Certificate of Zoning Compliance is issued. Chairman Finaldi said this is as close to a compromise as they are going to get. Ms. Hoffstaetter made a motion to approve this per the resolution. Mr. Cerminara seconded the motion and it was passed with four ayes and one nay (from Mr. Urice).

~~~~~

Sugar Hollow Associates LLC – Application for Revised Floodplain Permit for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.

Ms. Hoffstaetter made a motion to table this until the next meeting. Mr. Keller seconded the motion and it was passed unanimously.

~~~~~

Pitney Bowes – Application for Floodplain Permit – “Pitney Bowes”, 14 Executive Dr. (#L10015) – SP#99-13

Mrs. Emminger said she did not prepare a resolution but she would explain all of it. There are no changes to the building, only to the parking lot. And only a portion of the parking lot is in the floodplain. The only site work being proposed is 100 cu.yds. of cut and fill outside of the floodplain. There is no cutting or filling within the floodplain. Mr. Urice made a motion to approve this permit. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~

NEW BUSINESS

Lee Farm LLC – Application for two (2) lot subdivision (23.326± ac.) in the IL-40 Zone – Wooster Heights Rd. (#G18048) – SUB #11-01.

Chairman Finaldi said this would be on file in the Planning Office at City Hall.

~~~~~

REFERRALS:

8-3a Referral – **REVISED** Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B. & 5.B.2. of the Zoning Regulations. (Add “Indoor Shooting Range” to CA-80 Zone) *Zoning Commission public hearing opened July 12, 2011.*

Mrs. Emminger asked that they table this matter. Mr. Urice questioned when they would be talking about this. Mrs. Emminger said as soon as Mr. Elpern finishes the Staff Report. Mr. Urice made a motion to table this. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~

OTHER MATTERS

Revised Mylar for drainage easements at 34 Spruce Mountain Trail — SUB #05-04

Mrs. Emminger said she had reviewed map and found that they forgot to add the note regarding the rights to drain. She suggested the Commission approve the mylar subject to this note being added. Mr. Urice said he is okay as long as the rights to drain are referenced on the mylar. Mr. Keller made a motion to approve this subject to the additional note being added. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Discussion of revisions to the approved site plan as required by the State Traffic Commission for The Shops at Marcus Dairy - SE #663.

Mrs. Emminger explained that the State Traffic Commission (STC) had required some changes that were contrary to what the Commission had approved. The changes were not significant enough to bring it back before the Commission; it will be an administrative review. She continued saying that she wanted them to know before she does the review. The changes were down by Sugar Hollow Rd, they want the curb extended to prevent left turns, another change in the back area and the biggest change is to the egress onto Backus Ave. She added that the City Traffic Engineer is okay with all of these.

~~~~~

Chairman Finaldi said there was nothing under Correspondence and two Floodplain Permit applications listed under For Reference Only.

At 9:30 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.